CONFERENCE ON DISARMAMENT

CD/1591*
26 August 1999

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LETTER DATED 29 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL AND THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY- GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF THE INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS, WHICH WAS APPROVED AT THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES IN GUATEMALA ON 7 JUNE 1999

We have the honour to transmit to you the English, French and Spanish versions of the text of the Inter-American Convention on Transparency in Conventional Weapons Acquisitions, which was approved at the General Assembly of the Organization of American States in Guatemala on 7 June 1999.

We would be grateful if the necessary arrangements could be made for its distribution as an official document of the Conference on Disarmament to all member and participating non-member state delegations.

(Signed) Celso L.N. Amorim
Ambassador
Permanent Representative
Head of the Delegation of
Brazil to the Conference
on Disarmament

(Signed) Robert T. Grey, Jr.
Ambassador
Permanent Representative
of the United States of
America to the Conference
on Disarmament

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* Re-issued for technical reasons.

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INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

THE STATES PARTIES,

BEARING IN MIND their commitments to the United Nations and the Organization of American States to contribute more fully to openness and transparency by exchanging information on weapon systems covered by the United Nations Register of Conventional Arms;

REITERATING the importance of annual reporting to the United Nations Register of Conventional Arms of information on imports, exports, military holdings, and procurement through national production of major weapon systems;

BUILDING UPON AND REAFFIRMING the declarations of Santiago (1995) and San Salvador (1998) on confidence- and security-building measures, which recommend the application of such measures in the most appropriate manner;

RECOGNIZING that in accordance with the Charter of the Organization of American States and the Charter of the United Nations, Member States have the inherent right of individual or collective self-defense;

RECOGNIZING that the commitments made in this Convention are an important step towards achieving one of the essential purposes established in the Charter of the Organization of American States, which is "to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States";

RECOGNIZING that it is important for the international community to contribute to the objective of this Convention; and

EXPRESSING their intention to continue consideration of appropriate steps to advance the effective limitation and control of conventional weapons in the region,

HAVE AGREED AS FOLLOWS:

ARTICLE I
DEFINITIONS

For the purposes of this Convention,

a. "Conventional weapons" means those systems set forth in Annex I to this Convention. Annex I is an integral part of this Convention.

b. "Acquisition" means the obtaining of conventional weapons through purchase, lease, procurement, donation, loan, or any other method, whether from foreign sources or through national production. "Acquisition" does not include the obtaining of prototypes, developmental items, and equipment in research, development, test, and evaluation, to the extent that such prototypes, items, or equipment are not incorporated into the inventory of the armed forces.

c. "Incorporation into the inventory of the armed forces" means entry of the conventional weapon into service, even for a limited period of time.

ARTICLE II
OBJECTIVE

The objective of this Convention is to contribute more fully to regional openness and transparency in the acquisition of conventional weapons by exchanging information regarding such acquisitions, for the purpose of promoting confidence among States in the Americas.

ARTICLE III
ANNUAL REPORTS ON IMPORTS AND EXPORTS OF CONVENTIONAL WEAPONS

1. States Parties shall report annually to the depositary on their imports and exports of conventional weapons during the preceding calendar year, providing information, with respect to imports, on the exporting State, and the quantity and type of conventional weapons imported; and information, with respect to exports, on the importing State, and the quantity and type of conventional weapons exported. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons.

2. Information to be submitted pursuant to this article shall be provided to the depositary as soon as possible, but no later than June 15 of each year.

3. Reporting pursuant to this article shall be in the format of Annex II (A) and (B).

ARTICLE IV
EXCHANGE OF INFORMATION ON ACQUISITIONS OF CONVENTIONAL WEAPONS

In addition to providing the annual reports specified in Article III, States Parties shall notify the depositary of acquisitions of conventional weapons as follows:

a. Notification of acquisition through imports. These notifications to the depositary shall be made no later than 90 days after incorporation of imported conventional weapons into the inventory of the armed forces. Notifications shall indicate the exporting State, as well as the quantity and type of imported conventional weapons. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons. Reporting pursuant to this paragraph shall be in the format of Annex II (C).

b. Notification of acquisition through national production. These notifications to the depositary shall be made no later than 90 days after incorporation of the conventional weapons acquired through national production into the inventory of the armed forces. Notifications shall indicate the quantity and type of conventional weapons. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons. Notwithstanding any other provision of this Convention, States Parties may also supplement such notifications with information on reconfiguration or modification of conventional weapons. To encourage further transparency in acquisitions through national production, the obligation of each State Party to notify under this paragraph may be fulfilled, in accordance with its domestic legislation, through notice to the depositary of a national funding commitment for conventional weapons to be incorporated into that State's inventory during the upcoming budget year. Reporting pursuant to this paragraph shall be in the format of Annex II (D).

c. Notification of no activity. States Parties with no imports or acquisitions of conventional weapons through national production during the preceding calendar year shall so report to the depositary as soon as possible, but no later than June 15. Reporting pursuant to this paragraph shall be in the format of Annex II (A) and (B).

ARTICLE V
INFORMATION FROM OTHER STATES

Any State that is not a member of the Organization of American States may contribute to the objective of this Convention by providing information annually to the depositary on its exports of conventional weapons to the States Parties to this Convention. Such information may identify the importing State, and the quantity and type of any conventional weapons exported,

and may also include any additional pertinent information, such as designation and model of the conventional weapons.

ARTICLE VI
CONSULTATIONS

States Parties may consult on information provided pursuant to this Convention.

ARTICLE VII
APPLICATION AND INTERPRETATION

Any disagreement that may arise with respect to the application or interpretation of this Convention shall be resolved by any means of peaceful settlement decided upon by the States Parties involved, which undertake to cooperate to this end.

ARTICLE VIII
CONFERENCES OF THE STATES PARTIES

After seven years from the date of entry into force of this Convention, and upon the proposal by a majority of the States Parties, the depositary shall convene a conference of the States Parties. The purpose of such conference, and of any subsequent conferences, would be to examine the functioning and application of this Convention, and to consider further transparency measures consistent with the objective of this Convention, including modifications, pursuant to Article XI, to the categories of conventional weapons in Annex I.

ARTICLE IX
SIGNATURE

This Convention is open for signature by all Member States of the Organization of American States.

ARTICLE X
ENTRY INTO FORCE

This Convention shall enter into force on the 30th day following the date of deposit with the General Secretariat of the Organization of American States of the sixth instrument of ratification, acceptance, approval, or accession by a member state of the Organization of American States. Thereafter, the Convention shall enter into force for any other Member State

of the Organization of American States on the 30th day following the date of deposit by such State of an instrument of ratification, acceptance, approval, or accession.

ARTICLE XI
AMENDMENTS

Any State Party may submit to the depositary a proposal to amend this Convention. The depositary shall circulate any such proposal to all States Parties. Upon the request of a majority of the States Parties, the depositary shall, no sooner than 60 days from the date of such request, convene a conference of the States Parties to consider the proposed amendment. An amendment shall be adopted upon approval by two thirds of the States Parties present at the conference. Any amendment so adopted shall enter into force for the States ratifying, accepting, approving, or acceding to it 30 days after two thirds of the States Parties have deposited their respective instruments of ratification, acceptance, or approval of the amendment, or of accession thereto. Thereafter, such an amendment shall enter into force for any other State Party on the 30th day after that State Party deposits its instrument of ratification, acceptance, or approval of the amendment, or of accession thereto.

ARTICLE XII
DURATION AND DENUNCIATION

This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After 12 months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.

ARTICLE XIII
RESERVATIONS

States Parties may, at the time of adoption, signature, ratification, acceptance, approval, or accession, make reservations to this Convention, provided that such reservations are not incompatible with the object and purpose of the Convention and that they concern one or more specific provisions thereof.

ARTICLE XIV
DEPOSITARY

1. The depositary of this Convention is the General Secretariat of the Organization of American States.

2. Upon receipt of information provided by a State Party pursuant to Article III or IV of this Convention, the depositary shall promptly transmit such information to all States Parties.

3. The depositary shall provide to States Parties a consolidated annual report of the information provided pursuant to this Convention.

4. The depositary shall notify the States Parties of any proposals received for convening a conference of the States Parties pursuant to Article VIII.

5. The depositary shall receive and distribute to the States Parties any information submitted pursuant to Article V.

ARTICLE XV
DEPOSIT OF THE CONVENTION

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the depositary, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The depositary shall notify the Member States of the Organization of American States of signatures, of deposits of instruments of ratification, acceptance, approval, accession, or denunciation, and of reservations, if any.

ANNEX I

The list of conventional weapons covered by this Convention is set forth below. Such list is based on the United Nations Register of Conventional Arms.

In accordance with the Article I, this annex is an integral part of this Convention. Any changes to this Annex shall be adopted in conformity with the amendment procedure stipulated in Article XI.

I. Battle tanks

Tracked or wheeled self-propelled armored fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimeters caliber.

II. Armored combat vehicles

Tracked, semi-tracked, or wheeled self-propelled vehicles, with armored protection and cross-country capability, either: (A) designed and equipped to transport a squad of four or more infantrymen, or (B) armed with an integral or organic weapon of at least 12.5 millimeters caliber or a missile launcher.

III. Large caliber artillery systems

Guns, howitzers, artillery pieces combining the characteristics of a gun or a howitzer, mortars, or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a caliber of 100 millimeters and above.

IV. Combat aircraft

Fixed-wing or variable-geometry wing aircraft designed, equipped, or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defense, or reconnaissance missions. The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped, or modified as described above.

V. Attack helicopters

Rotary-wing aircraft designed, equipped, or modified to engage targets by employing guided or unguided anti-armor, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these

weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

VI. Warships

Vessels or submarines armed and equipped for military use with a standard displacement of 750 metric tons or above, and those with a standard displacement of less than 750 metric tons, equipped for launching missiles with a range of at least 25 kilometers or torpedoes with similar range.

VII. Missiles and missile launchers

Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometers, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. This category:

a. Also includes remotely-piloted vehicles with the characteristics for missiles as defined above;

b. Does not include ground-to-air missiles.

ANNEX II (A)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE III - ANNUAL IMPORT NOTIFICATION

REPORTING COUNTRY _____ CALENDAR YEAR _____

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. EXPORTING STATE	E. Additional information[1]
I. BATTLE TANKS				
II. ARMORED COMBAT VEHICLES				
III. LARGE-CALIBER ARTILLERY SYSTEMS				
IV. COMBAT AIRCRAFT				
V. ATTACK HELICOPTERS				
VI. WARSHIPS				
VII. MISSILES AND MISSILE LAUNCHERS				

Bold items are mandatory.

1. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the acquisition.

States Parties that do not have anything to report should file a "nil" report clearly stating that no imports have taken place in any of the categories during the calendar year.

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE III – ANNUAL EXPORT NOTIFICATION

REPORTING COUNTRY _____ CALENDAR YEAR _____

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. IMPORTING STATE	E. Additional information[2]
I. BATTLE TANKS				
II. ARMORED COMBAT VEHICLES				
III. LARGE-CALIBER ARTILLERY SYSTEMS				
IV. COMBAT AIRCRAFT				
V. ATTACK HELICOPTERS				
VI. WARSHIPS				
VII. MISSILES AND MISSILE LAUNCHERS				

Bold items are mandatory.

2. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the export.

States Parties that do not have anything to report should file a "nil" report clearly stating that no exports have taken place in any of the categories during the calendar year.

ANNEX II (C)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE IV – NOTIFICATION OF ACQUISITION THROUGH IMPORTS

REPORTING COUNTRY _____ DATE _____

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. EXPORTING STATE	E. Additional information[3]
CATEGORIES I – VII.				

Bold items are mandatory.

3. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the acquisition.

ANNEX II (D)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE IV – NOTIFICATION OF ACQUISITION THROUGH NATIONAL PRODUCTION

REPORTING COUNTRY _____ DATE_____

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. Additional information[4]
CATEGORIES I – VII			

Bold items are mandatory.

4. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the acquisition.